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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH GARRETT,

Defendant.

2:15-mj-675-PAL

**Stipulation to Continue Preliminary
Hearing (First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. BOGDEN, United States Attorney, and ROBERT KNIEF, Assistant United States Attorneys, counsel for the United States of America, and Heidi Ojeda, Assistant Federal Public Defender, counsel for defendant Joseph Garrett, that the preliminary hearing date in the above-captioned matter, currently scheduled for September 4, 2015, at 4:00 pm, be vacated and continued for two weeks, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1. The parties request a continuance of the preliminary hearing to allow for case investigation, negotiations and unavailability of government counsel.
2. The parties agree to the continuance.

1 3. Additionally, denial of this request for continuance could result in a
2 miscarriage of justice.

3 4. The additional time requested by this stipulation, is allowed, with the
4 defendant's consent under the Federal Rules of Procedure 5.1(d).

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6 DATED this 2nd day of September, 2015.

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8 Respectfully submitted,

9 DANIEL G. BOGDEN
10 United States Attorney

11 /s/ Heidi Ojeda, AFPD

 /s/ Robert Knief

12 _____
13 HEIDI OJEDA, AFPD
14 Counsel for Defendant
15 VERA

16 ROBERT KNIEF
17 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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FINDINGS OF FACT AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties request a continuance of the preliminary hearing to allow for case investigation, negotiations and unavailability of government counsel.
2. That the parties agree to the continuance.
3. Additionally, that denial of this request for continuance could result in a miscarriage of justice.
4. That the additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).
5. This is the first request to continue the preliminary hearing date filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

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CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, and possibly resolve the case prior to the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for September 4, 2015, at the hour of 4:00 pm, be vacated and continued to September 23, 2015, at the hour of 4:00 pm.

DATED this 21st day of September, 2015


UNITED STATES MAGISTRATE JUDGE